UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.31
31 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT
AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 4

OTHER LEGAL, INSTITUTIONAL AND RELATED MATTERS, AS WELL AS LEGAL AND INSTITUTIONAL ASPECT OF CROSS-SECTORAL ISSUES, INCLUDING THOSE REFERRED TO WORKING GROUP III BY WORKING GROUP I, WORKING GROUP II AND THE PLENARY OF THE PREPARATORY COMMITTEE

Elements for section IV, chapter 6, of Agenda 21: International institutional arrangements

Draft proposal by the Chairman

I. BASIS FOR ACTION

1. (Agreed) The mandate of the United Nations Conference on Environment and Development emanates from General Assembly resolution 44/228 in which the Assembly, inter alia, affirmed that the Conference should elaborate strategies and measures to halt and reverse the effects of environmental degradation in the context of increased national and international efforts to promote sustainable and environmentally sound development in all countries and that the promotion of economic growth in developing countries is essential to address problems of environmental degradation. The intergovernmental follow-up to the Conference process shall be within the framework of the United Nations system, with the General Assembly being the supreme policy-making forum that would provide overall political guidance to Governments, United Nations system and relevant treaty bodies. At the same time, Governments, as well as regional economic and technical cooperation organizations, have a responsibility to play an important role in the

follow-up to the Conference. Their commitments and actions should be adequately supported by the United Nations system and multilateral financial institutions. Thus, national and international efforts would mutually benefit from one another.

2. (Agreed) In fulfilling the mandate of the Conference, there is a need for institutional arrangements within the United Nations system in conformity with, and providing input into, the restructuring and revitalization of the United Nations in the economic, social and related fields, and the overall reform of the United Nations, including ongoing changes in the Secretariat. In the spirit of reform and revitalization of the United Nations system, implementation of Agenda 21 and other conclusions of the Conference shall be based on an action- and result-oriented approach and consistent with the principles of universality, democracy, transparency, cost-effectiveness and accountability.

3. (Agreed) The United Nations system, with its multisectoral capacity and the extensive experience of a number of specialized agencies in various spheres of international cooperation in the field of environment and development, is uniquely positioned to assist Governments establish more effective patterns of economic and social development with a view to achieving the objectives of Agenda 21 and sustainable development.

4. (Agreed) All agencies of the United Nations system have a key role to play in the implementation of Agenda 21 within their respective competence. To ensure proper coordination and avoid duplication in the implementation of Agenda 21, there should be an effective division of labour between various parts of the United Nations system based on their terms of reference and comparative advantages. Member States, through relevant governing bodies, are in a position to ensure that these tasks are carried out properly. In order to facilitate evaluation of agencies' performance and promote knowledge of their activities, all bodies of the United Nations system should be required to elaborate and publish reports of their activities on the implementation of Agenda 21 on a regular basis. Serious and continuous reviews of their policies, programmes, budgets and activities will also be required.

5. (Agreed) The continued active and effective participation of non-governmental organizations, the scientific community and the private sector as well as local groups and communities are important in the implementation of Agenda 21.

6. (Agreed) The institutional structure envisaged below will be based on agreement on financial resources and mechanisms, technology transfer, the Earth Charter and Agenda 21. In addition, there has to be an effective link between substantive action and financial support, and this requires close and effective cooperation and exchange of information between the United Nations system and the multilateral financial institutions for the follow-up of Agenda 21 within the institutional arrangement.

II. OBJECTIVES

7. (Agreed) The overall objective is the integration of environment and development issues at national, subregional, regional and international levels, including in the United Nations system institutional arrangements.

8. Specific objectives shall be:

(a) To ensure and review the implementation [and funding (pending the decision on financial issues)] of Agenda 21 so as to achieve sustainable development in all countries;

(b) (Agreed) To enhance the role and functioning of the United Nations system in the field of environment and development. All relevant agencies, organizations and programmes of the United Nations system should adopt concrete programmes for the implementation of Agenda 21 and also provide policy guidance for United Nations activities or advice to Governments, upon request, within their respective areas of competence;

(c) (Agreed) To strengthen cooperation and coordination on environment and development in the United Nations system;

(d) (Agreed) To encourage interaction and cooperation between the United Nations system and other intergovernmental and non-governmental subregional, regional and global institutions and non-governmental organizations in the field of environment and development;

(e) (Agreed) To strengthen institutional capabilities and arrangements required for the effective implementation, monitoring and review of Agenda 21;

(f) (Agreed) To assist in the strengthening and coordination of national, subregional and regional capacities and actions in the areas of environment and development;

(g) (Agreed) To establish effective cooperation and exchange of information between the United Nations organs, organizations, programmes and the multilateral financial bodies, within the institutional arrangements for the follow-up of Agenda 21;

(h) (Agreed) To respond to continuing and emerging issues relating to environment and development;

(i) (Agreed) To ensure that any new institutional arrangements would support revitalization, clear division of responsibilities and the avoidance of duplication in the United Nations system and depend to the maximum extent possible upon existing resources.

III. INSTITUTIONAL STRUCTURE

A. General Assembly

9. The General Assembly, as the highest level intergovernmental mechanism, is the principal policy-making and appraisal organ on matters relating to the follow-up of the Conference. The Assembly would organize a regular review of the implementation of Agenda 21. In fulfilling this task, the Assembly could consider the timing, format and organizational aspects of such a review. In particular, the Assembly could consider holding a special session no later than 1997 for the purposes of overall review and appraisal of Agenda 21, with adequate preparations at a high level.

B. Economic and Social Council

10. The Economic and Social Council, in the context of its Charter role vis-à-vis the General Assembly and the ongoing restructuring and revitalization of the United Nations in the economic, social and related fields, would assist the General Assembly through overseeing system-wide coordination [, policy guidance] and overview on the implementation of Agenda 21. In addition, the Council would undertake the task of directing system-wide coordination and integration of environmental and developmental aspects in the United Nations policies and programmes and make appropriate recommendations to the General Assembly, Member States and specialized agencies concerned. Appropriate steps should be taken to obtain regular reports from specialized agencies on their plans and programmes related to the implementation of Agenda 21, pursuant to Article 64 of the Charter of the United Nations.

INTERGOVERNMENTAL MECHANISMS

11. [To be added later]

INTERGOVERNMENTAL FUNCTIONS

12. The intergovernmental functions to be undertaken within the framework of the Assembly and the Council and any other intergovernmental mechanism that may be established are:

(a) (Agreed) To monitor progress in the implementation of Agenda 21 and activities related to the integration of environmental and developmental goals throughout the United Nations system through analysis and evaluation of reports from all relevant organs, organizations, programmes and institutions of the United Nations system dealing with various issues of environment and development, including those related to finance;

(b) (Agreed) To consider reports periodically provided by Governments regarding the implementation of Agenda 21 including information on activities they undertake and problems they face such as on financial resources and technology transfer;

(c) (Agreed) To review the progress in the implementation of the commitments contained in Agenda 21, including those related to provision of financial resources and transfer of technology;

(d) (Agreed) To receive and analyse relevant input from competent non-governmental organizations, including the scientific and the private sector, in the context of the overall implementation of Agenda 21;

(e) (Agreed) To enhance the dialogue within the framework of the United Nations with non-governmental organizations and the independent sector as well as other entities outside the United Nations system;

(f) [To consider reports presented by relevant treaty bodies on the implementation of environmental conventions.] [To consider reports on implementation of environmental conventions which the relevant conferences of parties may wish to provide;]

(g) (Agreed) To provide appropriate recommendations to the General Assembly on the basis of an integrated consideration of the reports and issues related to the implementation of Agenda 21;

[(h) To consider the results of the review to be conducted expeditiously by the Secretariat of all recommendations of the Conference for capacity-building programmes, information networks, task forces and other mechanisms to support the integration of environment and development at regional and subregional levels.]

13. (Agreed) Within the intergovernmental framework, consideration should be given to allow non-governmental organizations including those related to major groups, particularly women's groups, committed to the implementation of Agenda 21 to have relevant information available to them including information, reports and other data produced within the United Nations system.

C. The Secretary-General

14. (Agreed) Strong and effective leadership on the part of the Secretary-General is crucial, since he/she would be the focal point of the institutional arrangements within the United Nations system for the successful follow-up to the Conference and for the implementation of Agenda 21.

D. [High-level] Interagency coordination mechanism

15. Agenda 21, as the basis for action by the international community to integrate environment and development, should provide the principal framework for coordination of relevant activities within the United Nations system. To ensure effective monitoring, coordination and supervision of the involvement of the United Nations system in the follow-up to the Conference, there is a need for a [high-level] coordination mechanism under the direct leadership of the Secretary-General.

16. (Agreed) This task should be given to the Administrative Committee on Coordination (ACC) headed by the Secretary-General. ACC would thus provide a vital link and interface between the multilateral financial institutions and other United Nations bodies at the highest administrative level. The Secretary-General should continue to revitalize the functioning of the Committee. All heads of agencies and institutions of the United Nations system shall be expected to cooperate with the Secretary-General fully in order to make ACC work effectively in fulfilling its crucial role and ensure successful implementation of Agenda 21. ACC should consider establishing a special task force, subcommittee or sustainable development board, taking into account the experience of DOEM and CIDIE as well as the respective roles of UNEP and UNDP. Its report should be submitted to the relevant intergovernmental bodies.

[17. The Secretary-General and ACC and accordingly relevant intergovernmental bodies could also benefit from the expertise of the scientific community through a high-level consultative committee or advisory panel consisting of experts in the natural and social sciences. Its members would be appointed in their personal capacity by the Secretary-General. This arrangement would build on the experience of innovative approaches to environment and development, such as the Intergovernmental Panel on Climate Change, the Consultative Group on International Agricultural Research, and draw on existing institutions such as ITTO, ICSU and IUCN and other relevant non-governmental organizations. This advisory body should be convened [when the Secretary-General and ACC establish the need for such a meeting] using existing resources [within the United Nations system]. [Its report should be submitted to the relevant intergovernmental bodies.] [Specialized agencies should also, within their mandates and available resources, consider better integrated and more intensive efforts in the geophysical and environmental sciences as well as relevant aspects of the social sciences, as the part of the follow-up to the Conference.]

E. Secretariat support structure

[18. A highly qualified and competent secretariat support structure drawing, inter alia, on the expertise gained in the Conference preparatory process is essential for the follow-up to the Conference and the implementation of Agenda 21. This secretariat support structure should provide support to the work of both intergovernmental and inter-agency coordination mechanisms.

Concrete organizational decisions fall within the competence of the Secretary-General as the chief administrative officer of the Organization, who is requested to report on the staffing implications expeditiously taking into account appropriate gender balance and the need for the best use of existing resources within the Organization.]

F. Organs, programmes, organizations of the United Nations system

19. (Agreed) In the follow-up to the Conference, in particular implementation of Agenda 21, all relevant organs, programmes and organizations of the United Nations system will have an important role within their respective areas of expertise and mandates in supporting and supplementing national efforts. Coordination and mutual complementarity of their efforts to promote integration of environment and development can be enhanced through countries encouraging to maintain consistent positions in the various governing bodies.

United Nations Environment Programme

20. (Agreed) In the follow-up to the Conference, there will be a need for an enhanced and strengthened role of UNEP and its Governing Council. The Governing Council should within its mandate continue to play its role with regard to policy guidance and coordination in the field of the environment, taking into account the development perspective.

21. Priority areas on which UNEP should concentrate include the following:

(a) (Agreed) Strengthening its catalytic role in stimulating and promoting environmental activities and considerations throughout the United Nations system;

(b) [Development and coordination of international environmental efforts] [to promote international cooperation in the field of environment and the development of international environmental policies including those for the development and promotion of the widest possible use of techniques such as natural resource accounting and environmental economics];

(c) (Agreed) Environmental monitoring and assessment, both through improved participation by the United Nations system agencies in the Earthwatch programme and expanded relations with private scientific and non-governmental research institutes; strengthening and making operational its early-warning function;

(d) (Agreed) Coordination and promotion of relevant scientific research with a view to providing a consolidated basis for decision-making;

(e) (Agreed) Dissemination of environmental information and data to Governments and to organs, programmes and organizations of the United Nations system;

(f) (Agreed) Raising general awareness and action in the area of environmental protection through collaboration with the general public, non-governmental entities and intergovernmental institutions;

(g) Further development of international environmental law, in particular conventions and guidelines, promotion of its implementation, and coordinating functions arising from an increasing number of international legal agreements, inter alia, the functioning of the secretariats of the Conventions, [taking into account the [need] [possibility and desirability] for them to be regrouped, preferably at the same location];

(h) (Agreed) Further development and promotion of the widest possible use of environmental impact assessments, including activities carried out under the auspices of United Nations specialized agencies, and in connection with every significant economic development project or activity;

(i) (Agreed) Facilitation of information exchange on environmentally sound technologies, including legal aspects, and provision of training;

(j) (Agreed) Promotion of subregional and regional cooperation and support to relevant initiatives and programmes for environmental protection, including playing a major contributing and coordinating role in the regional mechanisms in the field of environment identified for the follow-up to the Conference;

(k) (Agreed) Provision of technical, legal and institutional advice to Governments in establishing and enhancing their national legal and institutional frameworks, in particular, in cooperation with UNDP capacity-building efforts;

(l) (Agreed) Support to Governments and development agencies and organs in the integration of environmental aspects into their development policies and programmes, in particular through provision of environmental, technical and policy advice during programme formulation and implementation;

(m) (Agreed) Further developing assessment and assistance in cases of environmental emergencies.

22. (Agreed) In order for UNEP to perform all of these functions, while retaining its role as the principal body within the United Nationsm system in the field of environment and taking into account the development aspects of environmental questions, it would require access to greater expertise and provision of adequate financial resources and it would require closer cooperation and collaboration with development organs and other relevant organs of the United Nations system. Furthermore, the regional offices of UNEP should be strengthened without weakening its Headquarters in Nairobi,

and UNEP should take steps to reinforce and intensify its liaison and interaction with UNDP and the World Bank.

United Nations Development Programme

[23. UNDP, like UNEP, also has a crucial role in the follow-up to the Conference. Through its network of field offices it would foster the United Nations system's collective thrust in support of sustainable development at the country, regional, interregional and global levels. [On the basis of the UNDP Governing Council decision for] [Without [affecting] [prejudice to]] the Fifth Programme cycle, it would be one of the main financing and operational agencies in the implementation of Agenda 21, drawing on the expertise of the specialized agencies and other United Nations organizations and bodies involved in operational activities.]

24. Its role would include the following:

(a) (Agreed) Acting as the lead agency in organizing United Nations system efforts towards capacity-building at the local, national and regional levels;

[(b) Mobilizing donor resources on behalf of Governments for capacity-building in recipient countries [especially through the use of the UNDP donor round-table mechanisms];

(c) Strengthening its own programmes in support of Agenda 21;

(d) Assisting recipient countries in the establishment and strengthening of national coordination mechanisms and networks related to activities for sustainable development;

(e) Assisting recipient countries in coordinating the mobilization of [domestic] financial resources to strengthen national capacities for sustainable development.]

United Nations Conference on Trade and Development

[25. Taking into account the importance of interrelationships between development, international trade and the environment, UNCTAD should play an important role in the implementation of Agenda 21 in line with its mandate in the area of sustainable development which was extended at its eighth Conference.

United Nations Sudano-Sahelian Office

26. (Agreed) The role of UNSO, with added resources that may become available, operating under the umbrella of UNDP and with the support of UNEP, should be strengthened so that this body can assume an appropriate major advisory role and participate effectively in the implementation of Agenda 21 provisions related to combating drought and desertification as well as land resource management. In this context, the experience gained could be used by all other countries affected by drought and desertification, in particular those in Africa, with special attention to countries most affected or classified as LDCs.

United Nations specialized agencies and related organizations

[27. All United Nations specialized agencies and related organizations have an important role to play in the implementation of relevant parts and objectives of Agenda 21. In this regard, their respective governing bodies should promote international cooperation in the respective fields of their activities and streamline their programmes in accordance with Agenda 21. [Agencies have a special role according to their specific mandate and specialization in providing technical assistance and establishing special arrangements with donors and financial institutions for project implementation.] They should contribute reports on their relevant activities for consideration by the Economic and Social Council. [In this connection, they should be given additional financial aid and technical resources to permit them to assist developing countries, in the implementation of Agenda 21 and of other decisions of the Conference, according to their respective mandates. The support given to developing countries for the implementation of these activities should not be conditional.]

G. Regional and subregional implementation

[to be added later]

H. National implementation

29. (Agreed) States have an important role to play in the follow-up of the Conference and the implementation of Agenda 21. National level efforts should be undertaken by all countries in an integrated manner so that both environment and development concerns can be dealt with in a coherent manner.

30. Policy decisions and activities at the national level, [including possible preparation of national reports] tailored to support and implement Agenda 21, should be encouraged and assisted by the United Nations system. In particular, the role of the resident representative of UNDP needs to be strengthened in order to coordinate the field-level activities of the United Nations operational activities.

31. (Agreed) Existing assistance consortia, consultative groups and round tables should make greater efforts to integrate environmental considerations and related development objectives into their development assistance strategies, and consider reorienting and appropriately adjusting their memberships and operations to facilitate this process and better support national efforts to integrate environment and development.

32. (Agreed) States may wish to consider setting up a national coordination structure responsible for the follow-up of Agenda 21. Within this structure, which would benefit from the expertise of non-governmental organizations, submissions and other relevant information could be made to the United Nations.

I. Cooperation between United Nations bodies and international financial organizations

33. The success of the follow-up to the Conference is dependent upon an effective link between substantive action and financial support, and this requires close and effective cooperation between United Nations bodies and the multilateral financial organizations. The Secretary-General and heads of United Nations programmes, organizations and the multilateral financial organizations have a special responsibility in forging such a cooperation, not only through the United Nations high-level coordination mechanism (Administrative Committee on Coordination) but also at regional and national levels. In particular, representatives of multilateral financial institutions and mechanisms [and IFAD] should participate actively in the deliberations of the intergovernmental structure responsible for the follow-up to Agenda 21.

J. Non-governmental organizations

34. (Agreed) Non-governmental organizations and major groups are important partners in the implementation of Agenda 21. Relevant non-governmental organizations, including the scientific community, the private sector, women's groups etc., should be given opportunities to make their contributions and establish appropriate relationships with the United Nations system. Support should be provided for developing countries' non-governmental organizations and their self-organized networks.

35. (Agreed) The United Nations system, including international finance and development agencies, and all intergovernmental organizations and forums should, in consultation with non-governmental organizations take measures to:

(a) Design open and effective means to achieve the participation of non-governmental organizations, including those related to major groups, in the process established to review and evaluate the implementation of Agenda 21 at all levels and promote their contribution to it;

(b) Take into account the findings of review systems and evaluation processes of non-governmental organizations in relevant reports of the

Secretary-General to the General Assembly and all pertinent United Nations agencies and intergovernmental organizations and forums concerning implementation of Agenda 21 in accordance with its review process.

[36. Procedures shall be established for an advisory role for non-governmental organizations, including those related to major groups, with accreditation based on the procedures used in the Conference. Such organizations should have access to reports and other information produced by the United Nations system. The General Assembly, at an early stage, should examine ways of enhancing the involvement of non-governmental organizations within the United Nations system.]

K. Other matters

[37. Legal questions relating, inter alia, to the [prevention and] settlement of environmental disputes [will] [may] require further examination after the Conference in order to assess the capacity of the United Nations system in this field. [For the peaceful settlement of environmental disputes, an arbitration chamber should be established within the International Court of Justice.]

38. The Conference takes note of other institutional initiatives for the implementation of Agenda 21, such as the proposal to establish a non-governmental Earth Council.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.32
28 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT
AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 2

SURVEY OF EXISTING AGREEMENTS AND INSTRUMENTS, AND ITS FOLLOW-UP

Elements for section IV, chapter 8, of Agenda 21: Legal instruments and mechanisms

Draft proposal by the Chairman

I. BASIS FOR ACTION

1. The recognition that the following vital aspects of the universal, multilateral and bilateral treaty-making process should be taken into account:

(a) The further development of international law in the field of sustainable development, giving special attention to the delicate balance between environmental and developmental concerns;

(b) The need to clarify and strengthen the relationship between existing international instruments or agreements in the field of environment and relevant social and economic agreements or instruments, taking into account the special needs of developing countries;

(c) At the global level, the essential importance of the participation in and the contribution of all countries, including the developing countries, to treaty making in the field of international law on sustainable development. Many of the existing international legal instruments and agreements in the field of environment have been developed without adequate participation and

contribution of developing countries, and thus may require review in order to reflect the concerns and interests of developing countries and to ensure a balanced governance of such instruments and agreements;

(d) Developing countries should also be provided with technical assistance in their attempts to enhance their national legislative capabilities in the field of environmental law;

(e) Future projects for the progressive development and codification of international law for sustainable development should take into account the ongoing work of the International Law Commission; and

(f) Any negotiations for the progressive development and codification of international law concerning sustainable development should, in general, be of universal application, taking into account special circumstances in the various regions.

II. OBJECTIVES

2. The overall objective of the review and development of international environmental law should be to evaluate and to promote the efficacy of that law and to promote the integration of environment and development policies through effective international agreements or instruments taking into account both universal principles and the particular and differentiated needs and concerns of all countries.

3. Specific objectives are:

(a) To identify and address difficulties which prevent some States, in particular developing countries, from participating in or duly implementing international agreements or instruments and, where appropriate, to review and revise them with the purposes of integrating environmental and developmental concerns and laying down a sound basis for the implementation of these agreements or instruments;

(b) To set priorities for future law-making on sustainable development at the global, regional or subregional level, with a view to enhancing the efficacy of international law in this field through, in particular, the integration of environmental and developmental concerns;

(c) To promote and support the effective participation of all countries concerned, in particular developing countries, in the negotiation, implementation, review and governance of international agreements or instruments, including appropriate provision of technical and financial assistance and other available mechanisms for this purpose, as well as the use of differential obligations where appropriate;

(d) To promote, through the gradual development of universally or multilaterally negotiated agreements or instruments, international standards

for the protection of the environment that take into account the different situations and capabilities of countries [, thus avoiding the possible use of unilaterally set environmental standards as barriers to trade] [in order to establish a framework for coexistence between environmental measures and international trade rules, and thus aiming at preventing the use of environmental measures for protectionist purposes];

(e) To ensure the effective and appropriate implementation [and compliance], and to facilitate timely review and adjustment of agreements or instruments by the parties concerned taking into account the special needs and concerns of all countries, in particular developing countries;

(f) To improve the effectiveness of institutions, mechanisms and procedures for the administration of agreements and instruments;

(g) To identify and prevent actual or potential conflicts, particularly between environmental and social/economic agreements or instruments, with a view to ensuring that such agreements or instruments are mutually reinforcing. Where conflicts arise they should be appropriately resolved;

(h) To establish and strengthen mechanisms to identify, prevent and settle international disputes in the field of the environment, duly taking into account existing bilateral and multilateral agreements for the settlement of such disputes.

III. ACTIVITIES

4. Activities and means of implementation should be considered in the light of the above basis for action and objectives, without prejudice to the right of every State to put forward suggestions in this regard [in the General Assembly of the United Nations. These suggestions should be reproduced in a separate compilation on sustainable development for further consideration by the General Assembly].

A. Review, assessment and fields of action in international law for sustainable development

5. While ensuring the effective participation of all countries concerned, Parties should at periodic intervals review and assess both the past performance and effectiveness of existing international agreements or instruments as well as the priorities for future law making in the field of environment and development. [This may include an examination of the possibility of elaborating general rights and obligations of States, as appropriate, in the field of the environment, as provided by General Assembly resolution 44/228, para. 50 (b).] In certain cases, attention should be given to the possibility of taking into account varying circumstances through

differential obligations or gradual application. As an option for carrying out this task, earlier UNEP practice may be followed whereby legal experts designated by Governments could meet at suitable intervals, to be decided later, with a broader environmental and developmental perspective.

[6. (a) In view of the importance of full compliance with the relevant rules of international law, all appropriate means should be considered to prevent any deliberate large-scale destruction of the environment, which cannot be justified under international law. The General Assembly and its Sixth Committee as well as the next International Conference of the Red Cross and the Red Crescent, in particular the ICRC expert meetings, are the appropriate forums to deal with different aspects of this subject.

(b) In view of the vital necessity of continuing to promote the highest level of safe and environmentally sound management of nuclear power worldwide, international cooperation should be strengthened by a step-by-step approach to a nuclear safety convention and its implementation. The relevant work already under way at the International Atomic Energy Agency should be welcomed and it is emphasized that there is a necessity to pass a nuclear safety convention in the framework of IAEA.]

7. [The Parties to international agreements [shall] [should be encouraged to] include adequate procedures and mechanisms to promote and verify compliance. They shall ensure that such mechanisms (including, where appropriate, national reports, joint expert reviews and assessments, complaint and/or fact-finding procedures etc.) are established by or under those agreements. To that effect, States should, inter alia:

(a) Establish efficient reporting systems on the implementation of and compliance with international legal instruments, taking into account experience in other fields such as human rights and nuclear activities, providing, where appropriate, for public comments on such reports;

(b) Consider appropriate ways in which relevant international bodies, such as UNEP, might contribute towards the further development of such mechanisms.]

C. Effective participation in international law making

8. In all these activities and others that may be pursued in the future, based on the above basis for action and objectives, the effective participation of all countries, in particular developing countries, should be ensured through appropriate provision of technical assistance and/or financial assistance. Developing countries should be given "headstart" support not only in their national efforts to implement international agreements or instruments, but also to participate effectively in the negotiation of new or revised agreements or instruments and in the actual international operation of such agreements or instruments. Support should include assistance in building up expertise in international law particularly in relation to sustainable development, and in assuring access to the necessary reference information and scientific/technical expertise [on fair and equitable terms].

[D. Dispute settlement

9. In the area of prevention and settlement of conflicts, States should further study and consider methods to broaden and make more effective the range of techniques available at present.]

or

[D. Identification, prevention and resolution of disputes]

9. States should broaden the range of techniques available for dispute prevention and settlement, in particular under international agreements or instruments, including fact-finding procedures and non-discriminatory mutual appropriate access to national judicial and administrative remedies. Optimal use should be made of relevant experience under international agreements in other areas, for example, in the context of the General Agreement on Tariffs and Trade, the International Labour Organisation, and the United Nations Commission on Human Rights. Provision for effective dispute resolution mechanisms should be included in all international environmental agreements.

To that effect, States should, inter alia:

(a) Establish procedures and mechanisms for the prevention of disputes by, in particular:

(i) Utilizing and, if necessary, improving mechanisms and procedures for the exchange of data and information, notification, consultation and fact-finding regarding situations originating on their territory that might lead to disputes with other States concerning the environment;

(ii) Adopting in appropriate cases effective international instruments providing for fact-finding to clarify and establish the factual issues of the situation on request of a State whose territory is likely to be impaired by transboundary environmental effects of activities or omissions on the territory of other States;

(iii) Considering such a fact-finding commission within the framework of the United Nations Environment Programme;

(b) Strengthen their international commitments relating to the settlement of environmental disputes. They should, in particular:

(i) Include in their treaties relating to the environment, clauses providing for the compulsory settlement of disputes arising from the interpretation or application of those treaties;

(ii) Apply in good faith the settlement procedures that they have agreed on through general, regional or bilateral agreements or otherwise, when such disputes shall, at the request of any party thereof, be submitted to a procedure that entails a binding decision [to binding procedures such as arbitration or judicial settlement];

(iii) Recognize the right of any State party to a dispute that could not be settled directly by the Parties to resort to means of settlement involving a third party;

(iv) Consider recognizing the compulsory jurisdiction of the International Court of Justice, either by treaty or by bilateral declaration under Article 36, paragraph 2, of the Statute of the Court for legal disputes considering the environment;

(c) Provide for Mixed Claims Commissions in appropriate cases in the event of disputes concerning the claims of nationals of one State against another State for compensation of losses or damages suffered by those national or their properties owing to transboundary environmental effects of activities or omissions on the territory of that State.]

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.33
31 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT
AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 3

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Draft principles proposed by the Chairman

Principle 1

[Human beings are at the centre of environmental and developmental concerns. They are entitled to a healthy life of well-being in a sound environment to be able to achieve a better quality of life and their full realization as a person.]

[The well-being and dignity of humankind on a healthy planet are at the centre of environmental and developmental concerns. Human beings are entitled to live in a sound environment, [in dignity and in harmony with nature for which they bear the responsibility for protection and enhancement] and bear the responsibility to protect, restore and improve it for the benefit of present and future generations.]

Principle 2

[States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental [and developmental] policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.]

Principle 3

[The right to development must be fulfilled [in order to equitably meet] [in a manner which equitably meets] the [environmental and developmental] [developmental and environmental] needs of present and future generations.]

Principle 4

[In order to achieve sustainable development, environmental protection [shall] [should] constitute an integral part of the development process and cannot be considered in isolation from it.]

Principle 5

[The special situation and needs of developing countries, particularly the least developed countries [, and those most environmentally vulnerable,] [shall] [should] be fully taken into account in international actions taken with respect to environment and development.]

[The special concerns of countries in need should adequately be taken into account in international actions taken with respect to environment and development. The special needs of the least developed countries [and those most environmentally vulnerable] should be fully recognized.]

Principle 6

All States and all people [shall] [should] cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development. [Any international regime cannot be considered equitable and just if it ignores the disparities in standards of living between nations and is insensitive to the development needs of the majority of the people of the world.]

Principle 7

All States share [a] common but differentiated [responsibility] [responsibilities] [to conserve, protect and restore the health and integrity of the Earth's ecosystem] for [preventing,] containing, reducing, and eliminating global environmental damage and for [maintaining or] restoring the ecological balance of [the] Earth, [in accordance with their respective responsibilities and capabilities.] [To this end they [shall] [should] cooperate on the basis of a global partnership].

[The major cause of the continuing deterioration of the global environment is the unsustainable patterns of production and consumption, [particularly in developed countries]. All countries, particularly developed ones, [shall] [should] make commitments, [according to their situation shall endeavour] to address their unsustainable patterns of production and consumption.

[The causes for the continuing deterioration of the global environment [shall] [should] be addressed by all countries [in accordance with both past and present damage and capabilities] [in accordance with their respective responsibilities and capabilities.]

[All States and people [shall] [should] eliminate or avoid unsustainable patterns of production and consumption and formulate [and promote] population policies [[taking into account] [with respect for] cultural, religious and social traditions] compatible with sustainable development.]

[States and people should seek to eliminate or reduce unsustainable patterns of production and consumption, and to slow rapid population growth [[taking into account] [with respect for] cultural, religious and social traditions]].

[In view of their main historical and current responsibility for global environmental degradation and their capability to address this common concern, developed countries shall [should make commitments to] provide adequate, new and additional financial resources and environmentally sound technologies on preferential and concessional terms to, [in particular] developing countries, to enable them to achieve sustainable development].

Principle 7A

[In the pursuit of sustainable development and a higher quality of life for all people, it is important to address in an integrated manner the issue of population policies [[taking into account] [with respect for] cultural, religious and social traditions,] and migration as a constituent element of socio-economic development, involving public health, shelter, education and public participation, while safeguarding cultural diversity, environmental values and basic human rights.]

Principle 8

[[All] [States should cooperate to strengthen [endogenous capacity building, particularly scientific and technological capabilities for][the capacity of States to implement] sustainable development. To this end, cooperation and exchanges of scientific and technological knowledge at all levels should be strengthened to improve scientific understanding, and to enhance the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.]

Principle 9

[States should develop national law regarding liability and compensation for the victims of pollution and other environmental damage. [States [shall] [should] also cooperate in an expeditious manner to develop further international law regarding [responsibility,] liability and compensation for [adverse effects of] environmental [, human and economic] damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.]]

[States should develop national and international law regarding responsibility, liability and compensation in cases of environmental damage and its human and economic consequences.]

Principle 10

[[As the largest part of the current emission of pollutants into the environment, including toxic and hazardous wastes, originates in [developed] [industrialized] countries, they [shall] [should] be responsible] [have the main responsibility] for combating such pollution [and ensuring that toxic and hazardous wastes, including dangerous genetically modified organisms and radioactive waste, are disposed of in the proximity of their production].]

[All countries should be responsible for their handling of pollutants and their safe disposal of hazardous substances.]

Principle 11

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual [shall] [should] have appropriate access to information concerning the environment that is held by public authorities [and others], including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States [shall] [should] facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, [shall] [should] be provided.

Principle 12

In order to [protect] [enhance the protection of] the environment, the precautionary approach [shall] [should] be widely applied [by States] [according to their capabilities]. [Where there are threats of serious or irreversible damage, lack of full scientific certainty [shall] [should] not be used as a reason for postponing [cost-effective] measures to prevent environmental degradation.]

Principle 12A

[National authorities should endeavour to ensure the internalization of environmental costs, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.]

Principle 12B

Environmental impact assessment, as a national instrument, [shall] [should] be undertaken for any proposed activity that is likely to have a significant adverse impact on the environment and is subject to a decision of a competent national authority.

Principle 13

[[States [shall] [should] enact [and implement effective] environmental legislation] [and make full use of economic instruments.] [Environmental standards, management objectives and priorities should reflect the [national] environmental and developmental context to which they apply.] [Standards applied by some countries may be inappropriate and of unwarranted [economic and] social cost to other countries, in particular developing countries.] [Measures of environmental protection [shall] [should] be coordinated internationally, where possible.]

Principle 14

States should cooperate to promote a supportive and open international economic system [with free markets] that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. [Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing transborder or global environmental problems should, as far as possible, be based on an international consensus.] [Economic growth has to respect the limits of the carrying capacity of the Earth's ecosystem.]

Principle 15

States should [seek to] [cooperate to discourage or] prevent the relocation and transfer to other states of activities and substances that cause severe environmental degradation or are found to be harmful to human health.

Principle 16

[All States [shall] [should] promote and adopt [agricultural] [and other] development policies based on the [economically] [and ecologically] rational, efficient and sustainable use of the factors of production and resources, and shall avoid policies and [production] practices which [distort], [in addition to distorting] internal and external markets, [have environmentally detrimental effects].

[All States and people [shall] [should] cooperate to promote trade relations that are supportive of local, regional and global sustainable development.]

Principle 17

States [shall] [should] immediately notify other States of any [accidents] [emergencies] [disasters] that are likely to produce [sudden] harmful effects on the environment of those States. Every effort [shall] [should] be made by the international community to help States afflicted by disasters.

Principle 17A

States [shall] [should] provide prior [and] timely [notification] and relevant information to potentially affected States on activities [likely to] [that may] have a significant adverse [international or] transboundary [environmental or developmental] effect and [shall] [should] consult with those States at an early stage and in good faith.

Principle 18

[States [shall] [should] give urgent attention to and shall embark promptly on innovative measures, including legal instruments, to halt and reverse the process of desertification, as well as to alleviate the threat to the survival of some small island States and of low-lying coastal, arid and semi-arid areas.]

Principle 19

[States and people [shall] [should], in accordance with their capabilities, strengthen their efforts to rehabilitate degraded ecosystems and ecological processes in order to restore the ecological balance of the Earth and to prevent further deterioration of the environment and to lead to its enhancement.]

Principle 20

Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.

Principle 21

Indigenous people and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and ensure their effective participation in the achievement of sustainable development.

Principle 22

[Policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated. The environment and natural resources of people under such oppression, domination and occupation [shall] [should] be protected.]

Principle 23

[Employment of methods or means of warfare which are intended or may be expected to cause widespread, long-term and severe damage to the natural environment [shall] [should] be treated as a war crime. States must strive to reach prompt agreement on the complete elimination and destruction of weapons of mass destruction. [The use of such weapons is a crime against humanity and the environment.]

[A commitment to peace and security for all States and people is fundamental to the achievement of sustainable development.]

[Peace and security are essential requirements for sustainable development].

Principle 24

[Peace, development and environmental protection are interdependent and indivisible.]

Principle 25

States [shall] [should] [prevent and] resolve [all] their environmental [or developmental] disputes peacefully in accordance with the Charter of the United Nations. [States [shall] [should] provide adequate mechanisms for [prevention and] settlement of such disputes.] [In particular, States [shall accept] [should consider accepting] the compulsory jurisdiction of the International Court of Justice in relations to environmental issues.]

Principle 26

[States and people [shall] [should] cooperate in good faith and in a spirit of partnership in the implementation of the principles embodied in this Charter to develop international law needed for the achievement of sustainable development.]

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.33/Rev.1
2 April 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT
AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 3

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Draft principles proposed by the Chairman

Rio Declaration on Environment and Development

Preamble

The United Nations Conference on Environment and Development,

Having met at Rio de Janeiro from 3 to 14 June 1992,

Reaffirming the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972, and seeking to build upon it,

With the goal of establishing a new and equitable global partnership through the creation of new levels of cooperation among States, key sectors of societies and people,

Working towards international agreements which respect the interests of all and protect the integrity of the global environmental and developmental system,

Recognizing the integral and interdependent nature of the Earth, our home,

Proclaims that:

Principle 1

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

Principle 2

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Principle 3

The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

Principle 4

In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.

Principle 5

All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.

Principle 6

The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International actions in the field of environment and development should also address the interests and needs of all countries.

Principle 7

States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command.

Principle 8

To achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.

Principle 9

States should cooperate to strengthen endogenous capacity-building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies.

Principle 10

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

Principle 11

States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.

Principle 12

States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus.

Principle 13

States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.

Principle 14

States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health.

Principle 15

In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Principle 16

National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.

Principle 17

Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.

Principle 18

States shall immediately notify other States of any natural disasters or other emergencies that are likely to produce sudden harmful effects on the environment of those States. Every effort shall be made by the international community to help States so afflicted.

Principle 19

States shall provide prior and timely notification and relevant information to potentially affected States on activities that may have a significant adverse transboundary environmental effect and shall consult with those States at an early stage and in good faith.

Principle 20

Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.

Principle 21

The creativity, ideals and courage of the youth of the world should be mobilized to forge a global partnership in order to achieve sustainable development and ensure a better future for all.

Principle 22

Indigenous people and their communities, and other local communities, have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

Principle 23

The environment and natural resources of people under oppression, domination and occupation shall be protected.

Principle 24

Warfare is inherently destructive of sustainable development. States shall therefore respect international law providing protection for the environment in times of armed conflict and cooperate in its further development, as necessary.

Principle 25

Peace, development and environmental protection are interdependent and indivisible.

Principle 26

States shall resolve all their environmental disputes peacefully and by appropriate means in accordance with the Charter of the United Nations.

Principle 27

States and people shall cooperate in good faith and in a spirit of partnership in the fulfilment of the principles embodied in this Declaration and in the further development of international law in the field of sustainable development.

UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.III/L.34
1 April 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Working Group III
Agenda item 5

ADOPTION OF THE REPORT OF THE WORKING GROUP

Rapporteur: Mr. John SLOAN (Canada)

Draft report

I. ORGANIZATIONAL MATTERS

A. Organization of the session

1. Working Group III held [10] meetings (17th to [26th]) from 3 to 6 and 11, 16, 19, 25 and 28 March and [2] April 1992.

B. Officers of the Working Group

2. The officers, who were elected by the Working Group at its first session, remained:

Chairman: Bedrich Moldan (Czechoslovakia)

Vice-Chairmen: Oswaldo de Rivero (Peru)
Reynaldo Arcilla (Philippines)
Albert Muchanga (Zambia)

Rapporteur: John Sloan (Canada)

C. Adoption of the agenda and other organizational matters

3. At its 17th meeting, on 3 March, the Working Group approved its agenda as contained in section IV of document A/CONF.151/PC/96. The agenda was as follows:

1. Adoption of the agenda and other organizational matters.

2. Survey of existing agreements and instruments and its follow-up.

3. Principles on general rights and obligations.

4. Other legal, institutional and related matters, as well as legal and institutional aspects of cross-sectoral issues, including those referred to Working Group III by Working Group I, Working Group II and the plenary of the Preparatory Committee.

5. Adoption of the report of the Working Group.

D. Documentation

4. The Working Group had before it the following documents:

(a) Progress report of the secretariat of the Conference on the development of legal instruments for transboundary waters (A/CONF.151/PC/79);

(b) Report of the Secretary-General of the Conference on the role of regional organizations and cooperation (Section IV, Chapter 7 of Agenda 21) (A/CONF.151/PC/100/Add.26);

(c) Report of the Secretary-General of the Conference on institutional proposals (A/CONF.151/PC/102);

(d) Report of the Secretary-General of the Conference on the survey of existing agreements and instruments and its follow-up (A/CONF.151/PC/103 and Add.1);

(e) Letter dated 19 March 1991 from the head of the delegation of Austria to the Preparatory Committee for the United Nations Conference on Environment and Development at its second session addressed to the Deputy Secretary-General of the United Nations Conference on Environment and Development (A/CONF.151/PC/L.29);

(f) Note verbale dated 10 March 1992 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General of the United Nations Conference on Environment and Development (A/CONF.151/PC/WG.III/5);

(g) Role of regional organizations and cooperation (Section IV, Chapter 7 of Agenda 21): proposed amendments to A/CONF.151/PC/100/Add.26 on the basis of informal consultations (A/CONF.151/PC/L.65);

(h) Letter dated 26 March 1991 from the head of the delegation of Austria to the Preparatory Committee for the United Nations Conference on Environment and Development at its second session addressed to the Secretary-General of the United Nations Conference on Environment and Development (A/CONF.151/PC/WG.III/L.1);

(i) Draft proposal submitted by Ghana on behalf of the States Members of the United Nations that are members of the Group of 77 entitled "Rio de Janeiro Charter/Declaration on Environment and Development (A/CONF.151/PC/WG.III/L.6);

(j) Chairman's consolidated draft entitled "Earth Charter[:][/] The Rio de Janeiro Declaration on Environment and Development" (A/CONF.151/PC/WG.III/L.8/Rev.1 and Add.1 and 2);

(k) Proposal/draft decision entitled "Rio de Janeiro Charter/Declaration on Environment and Development", submitted by China and by Pakistan on behalf of the States Members of the United Nations that are members of the Group of 77 (A/CONF.151/PC/WG.III/L.20 and Rev.1);

(l) Proposal submitted by the United States of America on principles on general rights and obligations (A/CONF.151/PC/WG.III/L.21);

(m) Proposal submitted by Japan entitled "Rights and obligations" (A/CONF.151/PC/WG.III/L.22);

(n) Proposal submitted by Canada entitled "Earth Charter" (A/CONF.151/PC/WG.III/L.23);

(o) Proposal submitted by Australia entitled "Structure and outline of the Rio de Janeiro Declaration/Earth Charter and comments on A/CONF.151/PC/WG.III/L.8/Rev.1" (A/CONF.151/PC/WG.III/L.24);

(p) Proposal submitted by Portugal on behalf of the States Members of the United Nations that are members of the European Economic Community entitled "Elements for the Earth Charter" (A/CONF.151/PC/WG.III/L.25);

(q) Proposal submitted by Argentina entitled "Principle on sustainable agricultural development" (A/CONF.151/PC/WG.III/L.26);

(r) Proposal submitted by Denmark, Iceland, Norway and Sweden entitled "Earth Charter. Elements for consideration" (A/CONF.151/PC/WG.III/L.27);

(s) Proposal submitted by Denmark and the United Kingdom of Great Britain and Northern Ireland on the basis of the work of several non-governmental organizations from around the world (A/CONF.151/PC/WG.III/L.28);

(t) Proposal submitted by Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama entitled "Creation of a 'Planet Earth Council'" (A/CONF.151/PC/WG.III/L.29 and Corr.1);

(u) Draft decision on the survey of existing agreements and instruments and its follow-up, submitted by China and by Pakistan on behalf of the States Members of the United Nations that are members of the Group of 77 (A/CONF.151/PC/WG.III/L.30);

(v) Letter dated 28 August 1991 from the deputy head of the delegation of the United States of America to the Preparatory Committee for the United Nations Conference on Environment and Development at its third session addressed to the Secretary-General of the Conference (A/CONF.151/PC/WG.III/CRP.1);

(w) Draft section 8, chapter IV, of Agenda 21: International legal instruments and mechanisms, prepared by the secretariat on the basis of informal consultations (A/CONF.151/PC/WG.III/CRP.2 and Rev.1);

(x) Draft proposal prepared by the Issue Coordinator, Mr. Razali Ismail (Malaysia), for Working Group III on elements for chapter V of Agenda 21: Institutional arrangements (A/CONF.151/PC/WG.III/CRP.3 and Rev.1);

(y) Draft proposal by the Issue Coordinator, Mr. Reynaldo Arcilla, for Working Group III on elements for section IV, chapter 8, of Agenda 21: Legal instruments and mechanisms (A/CONF.151/PC/WG.III/CRP.4).

II. SURVEY OF EXISTING AGREEMENTS AND INSTRUMENTS AND ITS FOLLOW-UP

5. The Working Group considered the question of the survey of existing agreements and instruments and its follow-up (agenda item 2) at its 22nd, 23rd and [26th] meetings, on 16 and 19 March and [2] April.

6. At the 22nd meeting, on 16 March, the representative of the secretariat of the United Nations Conference on Environment and Development introduced the report of the Secretary-General of the Conference on the survey of existing agreements and instruments and its follow-up (A/CONF.151/PC/103 and Add.1). The representative of the World Federalist Movement, a non-governmental organization accredited to the Preparatory Committee, made a statement.

7. At the 23rd meeting, on 19 March, the representative of Pakistan, on behalf of the States Members of the United Nations that are members of the Group of 77, and China, introduced a draft decision (A/CONF.151/PC/WG.III/L.30) on the survey of existing agreements and instruments and its follow-up and orally corrected it.

8. The draft decision, as corrected, read as follows:

"The Preparatory Committee, recalling General Assembly resolution 44/228 on the United Nations Conference on Environment and Development, decides that the following text should be inserted as section 8, chapter IV, of Agenda 21.

"Introduction

"The Preparatory Committee emphasizes the importance of the participation in and contribution of all countries, in particular the developing countries, to the development of international law on sustainable development,

"The Preparatory Committee recognizes that most of the existing international legal instruments and agreements in the field of environment have so far been developed without adequate participation and contribution of developing countries, and thus do not fully reflect the priorities and interests of those States,

"The Preparatory Committee is aware of imbalances in the effective governance of existing legal agreements and instruments, including programme activities, working groups and regular review meetings.

"Basis for action

"The relationship between existing international agreements or instruments in the field of environment and relevant international trade agreements or instruments should be strengthened, taking into account the Declaration on International Economic Cooperation, in particular the Revitalization of Economic Growth and Development of Developing Countries, 1/ and the International Development Strategy for the Fourth United Nations Development Decade. 2/

"States should cooperate to develop further international law in the field of sustainable development. In doing so, special attention should be given to the delicate balance between environmental and developmental concerns.

"Any attempt at codification of international law in the field of sustainable development should be universal, transparent and democratic, within the framework of the United Nations.

"While global participation is essential for the success of treaty making in the field of international law of sustainable development, the special needs and concerns of developing countries should be adequately covered.

"1/ General Assembly resolution S-18/3 of 1 May 1990, annex.

"2/ General Assembly resolution 45/199 of 21 December 1990, annex.

"Future codification projects will have to take into account the ongoing work of the International Law Commission.

"The developing countries should be provided with technical assistance in their attempts to enhance their national legislative capabilities in the field of environmental law.

"Objectives

"The overall objective of the review and development of international environmental law should be aimed at integration of environment and development policies through effective universally valid and multilaterally negotiated international agreements and instruments, taking into account the needs and concerns of the developing countries. Specific objectives are:

"(a) To identify and address difficulties which prevent developing countries from participating in or duly implementing existing international legal instruments;

"(b) To review and revise, as appropriate, the relevant existing international legal instruments in the light of integration of environmental and developmental concerns, taking into account special needs and situations of developing countries in order to lay down a sound basis for the future implementation of these instruments;

"(c) To set priorities for future law making, taking into account the principles of universality, transparency and democracy;

"(d) To promote and support the effective participation of developing countries, particularly the least developed countries, in the negotiation and governance of international legal agreements and instruments, including technical and financial assistance and other available mechanisms for this purpose;

"(e) To promote, through the gradual development of universally valid, multilaterally negotiated agreements, international standards for the protection of the environment, that take into account the different situations and capabilities of countries, in order to combat through international cooperation unilaterally set environmental standards that may be used as excuses for unjustified additional barriers to trade."

III. PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

9. The Working Group considered the question of principles on general rights and obligations (agenda item 3) at its 17th to 21st and [26th] meetings, from 3 to 6 and on 11 March and [2] April.

10. Mr. Mukul Sanwal (India) and Mr. Ole Holthe (Norway) acted as Coordinators for informal consultations on item 3.

11. At the 17th meeting, on 3 March, statements were made by the representatives of Australia, Norway, Sweden, the United Republic of Tanzania, Singapore, the Islamic Republic of Iran, Tunisia, Hungary, Mexico, Finland, Chile, Austria, Benin, Argentina, Venezuela, Portugal, Japan, India, Pakistan (on behalf of the States Members of the United Nations that are members of the Group of 77), Malaysia, the Philippines and Zimbabwe. The Chairman also made a statement.

12. At the 18th meeting, on 4 March, statements were made by the representatives of the International Council on Metals and the Environment, Environmental Defense Fund, the Baha'i International Community, the International Coordinating Committee on Religion and the Earth, the New Zealand NGO/UNCED Liaison Committee, the Women's Environment and Development Organization, Cooperation for Peace, the YMCA of the U.S.A. and the Canadian Participatory Committee for UNCED, non-governmental organizations accredited to the Preparatory Committee.

13. At the 19th meeting, on 5 March, the representative of Pakistan, on behalf of the States Members of the United Nations that are members of the Group of 77, and China, introduced a proposal (A/CONF.151/PC/WG.III/L.20) entitled "Rio de Janeiro Charter/Declaration on Environment and Development", which read as follows:

"Principle 1. National sovereignty over natural resources

"States have the sovereign right over their own natural resources. Pursuant to their own environmental and development policies, they have the responsibility to ensure that activities within their jurisdiction do not cause damage to the environment of other States or of areas beyond the limits of their national jurisdiction.

"Principle 2. The human being as the centre of environmental concerns

"Human beings are at the centre of environmental concerns. In this context, the quality of the environment is dependent on the satisfaction of basic human needs. Human beings should be guaranteed a healthy life, free from hunger, disease and poverty.

"Principle 3. Right to development

"The right to development is an inalienable right and therefore the development needs of all developing countries shall be treated as a matter of priority.

"Principle 4. Integration of environment and development

"States and international organizations shall address environmental issues in the process of development by integrating environmental concerns with the imperatives of economic growth and development.

"Principle 5. Main responsibility

"The major historical and current cause of the continuing deterioration of the global environment is the unsustainable pattern of production and consumption, particularly in developed countries. Thus, the responsibility for containing, reducing and eliminating global environmental damage must be borne by the countries causing such damage, must be in relation to the damage caused and must be in accordance with their respective responsibilities. All countries, in particular developed countries, shall make commitments to address their unsustainable patterns of consumption.

"Principle 6. Equity

"To meet the needs of present and future generations, considerations of equity must include damage caused to the environment in the past, the growth and development needs of the present generation and the apportionment of equal shares of global environmental space.

"Principle 7. Special needs of the developing countries

"A new form of international cooperation is essential for addressing sustainable development, in which access to and transfer of environmentally [safe and] sound technology on preferential and concessional terms as well as provision of adequate, new and additional financial resources are of paramount importance for the transition of developing countries to sustainable development.

"Principle 8. Environment and trade

"States shall cooperate to promote an international economic environment supportive of sustainable development. In this connection, the developed countries shall ensure that their actions are conducive to the growth of the world economy in general and the development of the developing countries in particular. Global environmental considerations cannot justify restrictive trade practices or new forms of conditionality.

"Principle 9. Environmental, economic, social and cultural diversity

"States shall respect and conserve ecological, economic, social and cultural diversity. Environmental standards that are valid for the most advanced countries may be inappropriate and of unwarranted economic and social cost for the developing countries. Therefore, environmental management objectives and priorities for the developed and developing countries, based on living standards, social and economic conditions as well as natural resource endowments, will be different.

"States and peoples recognize the importance of the sustainable use of biological diversity as a fundamental factor of development and will strengthen their efforts in this regard.

"Principle 10. Scientific understanding and research and development, and exchange of information

"Research, free exchange and transfer of scientific knowledge and experience shall be ensured to strengthen national scientific and technological capacities in developing countries to protect the environment and promote growth and sustainable development.

"Principle 11. Endogenous capacity-building

"The efforts of the developing countries aimed at endogenous capacity-building in environment and development shall be supported, in order to enable them to take effective preventive and corrective actions.

"Principle 12. International and transboundary movement of hazardous activities and substances

"Measures taken in a specific country to reduce and/or control activities or projects harmful to the environment shall not lead to the displacement and transfer of these activities or projects to another country. Toxic and hazardous substances and wastes, dangerous genetically modified organisms, and radioactive wastes shall be treated at the point of generation. Transboundary treatment or disposal of these substances shall be banned. Measures shall also be taken to halt the international illicit traffic in toxic and hazardous substances and wastes. The countries of origin and entities involved in such activities shall bear the liability for compensation.

"Principle 13. Contamination

"States are responsible for the damage caused to the global environment by the use of all weapons of mass destruction. The use of weapons of mass destruction is a crime against both humanity and the environment.

"Principle 14. Decentralized management of the environment at the national level

"At the national level, the management of the environment is best achieved when the issues are dealt with with the full participation of all citizens.

"Each individual has the right to a clean and ecologically balanced environment, to be informed of the state of the environment and of all activities that have a negative impact on the environment and to participate in the decisions affecting the environment.

"Principle 15. Environmental regeneration

"Environmental regeneration is a common concern. Degraded ecosystems and ecological processes shall be rehabilitated. Areas affected by desertification, aridity and drought and areas vulnerable to sea-level rise also deserve special consideration. Therefore, all States and international organizations shall support such efforts of developing countries.

"Principle 16. Special situation of the developing countries

"The special situation of the developing countries shall be fully taken into account. Underdevelopment, poverty and environmental problems are closely interrelated and environmental protection in developing countries shall be viewed as an integral part of the development process and cannot be considered in isolation from it.

"Full recognition shall be given to the special situation, realities and problems of the developing countries in the implementation of the principles of this Declaration.

"Principle 17. The right of people under occupation

"The environment and natural resources of people under occupation should be protected. Therefore, any policies or measures that may lead to the degradation of their environment or to the depletion of their natural resources shall be immediately halted.

"Principle 18. Peaceful settlement of environmental disputes

"States shall resolve their environmental disputes peacefully in accordance with the Charter of the United Nations."

14. At the same meeting, statements were made by the representatives of the Islamic Republic of Iran, India, China, Nigeria, the Russian Federation, Egypt, Tunisia, Brazil, New Zealand, Norway, Canada, Japan, Finland, Portugal (on behalf of the States Members of the United Nations that are members of the European Economic Community) and the United States of America.

15. Subsequently, the Working Group had before it a draft decision (A/CONF.151/PC/WG.III/L.20/Rev.1) entitled "Rio de Janeiro Charter/Declaration on Environment and Development", submitted by the sponsors of document A/CONF.151/PC/WG.III/L.20, which read as follows:

"The Preparatory Committee for the United Nations Conference on Environment and Development, recalling General Assembly resolution 44/228 of 22 December 1989, decides that the following should constitute the Rio de Janeiro Charter/Declaration on Environment and Development to be adopted at the United Nations Conference on Environment and Development, to be held in Rio de Janeiro:

"Rio de Janeiro Charter/Declaration on Environment and Development

"The United Nations Conference on Environment and Development,

"Having met at Rio de Janeiro from __ to __ June 1992,

"Conscious that humankind lives on a dynamic but fragile Earth,

"Considering the state of poverty in which many peoples of developing countries live,

"Recognizing that the duty to promote the integral development of all demands a corresponding solidarity in seeking to promote an ever better quality of life for all, as well as the protection of the environment which supports that life,

"Recognizing the need continually to develop and review environmentally sound principles and guidelines without prejudice to general economic development,

"Considering overall developments in international relations in recent years which, despite setbacks, offer unprecedented opportunities for progress in international cooperation, aware of new and increasing threats such as unacceptable poverty and unsustainable lifestyles of the affluent, as well as environmental deterioration jeopardizing the long-term survival of the fragile ecosystem, and conscious of the political imperatives of the interdependence between nations,

"Aware that the integration of environment and development rests upon the attainment of a socially and economically just world,

"1. Affirms that sustainable development for present and future generations, for humankind to live in harmony with nature, environmental and developmental concerns must be integrated;

"2. Calls upon people, organizations and Governments to move with resolution and determination to exert common efforts for the protection of the environment and the achievement of development;

"3. Calls upon all States and peoples to observe and implement the following principles in a spirit of partnership to restore the ecological balance of the Earth:

"Principles

"Principle 1

"Human beings are at the centre of environmental concerns. They are entitled to a life of well-being and dignity which allows them to live in harmony with the environment.

"Principle 2

"States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

"Principle 3

"The inalienable right of States and people to development must be fulfilled in order to meet the environmental needs of present and future generations. Equity within the present generation shall take into account environmental damage caused in the past, as well as the developmental and environmental needs of present and future generations.

"Principle 4

"Environmental protection shall be viewed as an integral part of the development process and cannot be considered in isolation from it.

"Principle 5

"The special situation and needs of developing countries, particularly the least developed countries, their right to achieve their full economic potential, and the eradication of poverty shall be fully taken into account in any international action taken with respect to environment and development.

"Principle 6

"States, organizations and individuals shall cooperate in good faith and in a spirit of partnership in the effort to eradicate poverty.

"Principle 7

"All States share a common but differentiated responsibility for containing, reducing and eliminating global environmental damage and for restoring the ecological balance of the Earth, in accordance with their respective responsibilities and capabilities.

"The major cause of the continuing deterioration of the global environment is the unsustainable patterns of production and consumption, particularly in developed countries. All countries, particularly developed ones, shall make commitments to address their unsustainable patterns of production and consumption.

"In view of their main historical and current responsibility for global environmental degradation and their capability to address this common concern, developed countries shall provide adequate, new and additional financial resources and environmentally sound technologies on preferential and concessional terms to developing countries to enable them to achieve sustainable development.

"Principle 8

"States shall strengthen endogenous capacity-building in order to promote sustainable development, particularly in developing countries. Effective international cooperation in research, development and application of environmentally sound technologies is crucial for environmental protection. The free access to, and transfer of, state-of-the-art scientific and technical knowledge, experience and information shall therefore be supported and ensured to strengthen national scientific, technical and technological capabilities in the field of environment and development.

"Principle 9

"States shall develop further national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious manner to develop further international law regarding liability and compensation for environmental, human and economic damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.

"Principle 10

"As the largest part of the current emission of pollutants into the environment, including toxic and hazardous wastes, originates in developed countries, they shall be responsible for combating such pollution and ensuring that toxic and hazardous wastes, including dangerous genetically modified organisms and radioactive waste, are disposed of in the proximity of their production.

"Principle 11

"At the national level, the management of the environment is best achieved when the issues are handled with the full participation of all citizens, with due concern for the appropriate and relevant community levels. Each individual has the right to be informed of the state of the environment and of all activities that may have a negative impact on the environment and to participate fully in the decision-making process affecting the environment.

"Principle 12

"Precautionary measures by all States to protect the environment, in accordance with their capabilities, must anticipate, prevent, attack or minimize the causes of and mitigate the adverse consequences of environmental damage. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental damage. The measures adopted should take into account different socio-economic contexts.

"Principle 13

"States shall respect and conserve ecological, social and cultural diversity. Environmental standards, management objectives and priorities valid for developed countries may be inappropriate and of unwarranted economic and social cost for developing countries.

"Principle 14

"The promotion of economic growth is essential to address problems of environmental degradation. States shall cooperate to promote a supportive and open international environment that would result in sustained economic growth and development in all countries. In the absence of a universal, multilaterally agreed international consensus, environmental considerations shall not be used to justify restrictive trade practices, including those framed as new forms of conditionality.

"Principle 15

"Measures taken in a specific country to reduce or control activities and projects harmful to the environment shall not lead to the displacement and transfer of these activities or projects to another country.

"Principle 16

"All States shall promote agricultural development policies based on the economically rational, efficient and sustainable use of the factors of production and resources, and shall avoid production practices which,

in addition to distorting internal and external markets, have environmentally detrimental effects.

"Principle 17

"All efforts shall be made by the international community to help States afflicted by natural disasters.

"Principle 18

"States shall give urgent attention to and shall embark promptly on innovative measures, including legal instruments, to halt and reverse the process of desertification, as well as to alleviate the threat to the survival of some small island States and of low-lying coastal, arid and semi-arid areas.

"Principle 19

"States and people shall, in accordance with their capabilities, strengthen their efforts to rehabilitate degraded ecosystems and ecological processes in order to restore the ecological balance of the Earth and to prevent further deterioration of the environment and to lead to its enhancement.

"Principle 20

"The role of women in all activities should reflect their central importance. Issues of special concern to women must be integrated into all aspects of environmental and developmental activities.

"Principle 21

"States and people recognize that the productive activities of indigenous cultures and local communities are of the utmost importance and will continue to contribute to the achievement of sustainable development. The heritage and knowledge of indigenous people and local communities add to the positive contribution in safeguarding and rehabilitating their natural environment. States should ensure the effective participation of indigenous people and local communities in the decision-making process on matters pertaining to sustainable development.

"Principle 22

"Policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated. The environment and natural resources of people under such oppression, domination and occupation shall be protected.

"Principle 23

"Employing methods or means of warfare which are intended or may be expected to cause widespread, long-term and severe damage to the natural environment shall be treated as a war crime. States must strive to reach prompt agreement on the complete elimination and destruction of weapons of mass destruction. The use of such weapons is a crime against humanity and the environment.

"Principle 24

"Peace, development and environmental protection are indivisible. Any international regime cannot be considered equitable and just if it ignores the disparities in standards of living between nations and is insensitive to the development needs of the majority of the people of the world.

"Principle 25

"States shall resolve their environmental disputes peacefully in accordance with the Charter of the United Nations.

"Principle 26

"States and peoples shall cooperate in good faith and in a spirit of partnership in the implementation of the principles embodied in this Charter and further develop international law in the field of sustainable development."

16. At the 19th meeting, on 5 March, the representative of the United States of America introduced a proposal on principles on general rights and obligations, contained in document A/CONF.151/PC/WG.III/L.21, which read as follows:

"1. The United States submits the following proposal, which draws on the proposals made at the third session of the Preparatory Committee by various Governments and reflects extensive discussions with interested non-governmental organizations. It contains 17 principles corresponding to the 17 categories of principles contained in document A/CONF.151/PC/WG.III/L.8/Rev.1.

"2. The United States believes this should be incorporated as a prologue to Agenda 21.

"DECLARATION ON ENVIRONMENT AND DEVELOPMENT

"Preamble

"The United Nations Conference on Environment and Development,

"Having met at Rio de Janeiro from 1 to 12 June 1992;

"Conscious that the Earth is a dynamic but fragile whole, in which all ecosystems are interdependent;

"Recognizing the scale, depth and pace of human-induced changes to the environment, and determined to increase human understanding of those changes and the capacity for anticipating, responding and adapting to them;

"Also recognizing the mutual interdependence of all States and people and the need for communities to live together in balance with the environment to ensure sustainable development for all and the continuity and quality of life now and for future generations;

"Affirms, in the light of those understandings, the following sustainable development principles to guide future action:

"Principles

"Principle 1

"Environmental protection and economic and social development ultimately cannot be achieved at the expense of each other. Environment and development goals should be pursued simultaneously, in an integrated fashion.

"Principle 2

"States and people share a common goal to promote environmentally sound, sustainable development for all. They should seek to attain this goal by individual and collective action, contributing in accordance with their respective responsibilities and capacities and with special regard for the needs of economically disadvantaged countries and people.

"Principle 3

"Respect for human rights is fundamental to sustainable development, in particular the rights to:

"Associate with others and freely express views;

"Publish and distribute information;

"Participate in public debates;

"Have fair and effective access to legal and administrative redress and remedy of grievances.

"Principle 4

"All people should share in the benefits of a clean environment and responsible economic and social development, including the sustainable management of natural resources, and recognize the need to preserve those benefits for future generations.

"Principle 5

"States have the sovereign right to exploit their own natural resources and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

"Principle 6

"States should adopt precautionary and preventive approaches when planning and undertaking activities, in order to anticipate, prevent and attack the causes of environmental degradation. Lack of full scientific certainty should not be a reason in itself for postponing effective measures to prevent environmental degradation.

"Principle 7

"All people should cooperate in good faith and in a spirit of global partnership at the local, national, regional and international levels to achieve sustainable development. In cases of environmental emergency, States should provide each other with timely notification and assistance.

"Principle 8

"States should consider the special situation and needs of developing countries in achieving sustainable development and provide appropriate assistance.

"Principle 9

"Environment and development objectives and policies should be integrated with economic and trade policies, including through appropriate harmonization of the international regimes for international trade and environmental protection.

"Principle 10

"A commitment to peace and security for all States and people is fundamental to the achievement of sustainable development.

"Principle 11

"States and people should seek to eliminate or reduce unsustainable patterns of production and consumption.

"Principle 12

"Sustainable development is dependent on a world public that is educated, literate and well-informed. Individuals, groups and organizations should have access to information relevant to environment and development, held by national authorities, including information on products and activities which have or are likely to have a significant impact on the environment, information on hazardous materials and activities in their communities, information on environmental monitoring and information on environmental protection measures undertaken.

"Principle 13

"Open and free markets at the national, regional and international levels are fundamental to the achievement of sustainable development. Markets should reflect full economic accounting of environmental costs and benefits and market forces and mechanisms, and other economic instruments should be harnessed to achieve sustainable development goals.

"Principle 14

"Polluters should bear the costs of carrying out pollution prevention and control measures introduced by public authorities. These costs should be reflected in the cost of goods and services that cause pollution in production and/or consumption to encourage rational use of scarce environmental resources and to avoid distortion in international trade and investment. Markets should reflect full economic accounting of environmental costs and benefits.

"Principle 15

"Democratic laws, institutions and procedures are essential to the achievement of sustainable development. States should establish open and democratic forms of decision-making affecting economic and social development and environmental protection, and facilitate the broad participation of individuals, groups and organizations in that decision-making. Individuals, groups and organizations with a cognizable legal interest should have access to judicial and administrative procedures for redress and remedy of wrongful actions affecting environment and development.

"Principle 16

"In addition to its corrosive effects on social and economic well-being and development, poverty is a major contributor to environmental degradation. All States and all people should make the elimination of poverty an essential task of their efforts to achieve sustainable development.

"Principle 17

"The achievement of sustainable development requires technological and financial assistance to developing countries, and those States with adequate means should take steps to provide such assistance as may be appropriate."

17. At the 20th meeting, on 6 March, the representative of Japan introduced a proposal (A/CONF.151/PC/WG.III/L.22) entitled "Rights and obligations", which read as follows:

"Preamble

"1. The global environment is deteriorating. The changes taking place on Earth now affect the atmosphere around it and have given rise to such ominous developments as global warming and the destruction of the ozone layer. This makes protection of the environment of the greatest urgency.

"2. In developing countries, the rapid increase in population growth, poverty and the destruction of the environment constitute a vicious circle and are a serious threat to health and well-being. Accordingly, the issue of environment and development should be considered in this context.

"3. To ensure the survival of humankind and the full diversity of living creatures in a sound global environment and so that we may pursue our common interests on a continuing basis, we should reconsider our current patterns of production, consumption and development. We should likewise move with resolution and determination to transform our societies and cultures, so that sustainable development becomes not merely a goal but a reality.

"Principles

"1. Integration of environment and development

"States should make efforts to achieve sustainable development through the integration of environment and development, keeping in mind that these efforts can only be expected to bear fruit over the long term.

"4. Responsibility to present and future generations

"Today and in the future, the individual has both a fundamental right to benefit from the common resources of humankind, which constitute the global environment, and at the same time a responsibility to protect, restore and improve them for present and future generations.

"5. Sovereignty and responsibility to others

"Each State has the sovereign right to exploit its own resources in accordance with its own environmental policies. However, this right should not be exercised in a manner inconsistent with the goal of integrating development and environmental protection. States have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environments of other States. They should therefore conduct environmental impact assessments on any projects whose effects may be felt beyond their own national boundaries, the results to be provided promptly to the States concerned.

"8. Special needs of developing countries

"States should strengthen their cooperation to support the efforts of developing countries to overcome poverty and remedy serious environmental damage, so that they may achieve sustainable development. In extending official development assistance, therefore, States should give due consideration to such matters as conservation of the environment of the areas to receive such assistance and the welfare of the indigenous people living there. These issues should likewise be given consideration in connection with direct investment to foreign countries.

"18. Scientific understanding of the global environment

"States should cooperate in international programmes devoted to systematic observation and scientific research and, each to the best of its ability, make efforts to develop greater scientific understanding of the global environment, the results to be reflected in the actions they subsequently take. Failure to arrive at complete scientific certainty, however, should not be used as an excuse for inaction or for postponing the implementation of measures to protect the global environment.

"19. Technologies for sustainable development

"States should cooperate to develop and diffuse environmentally sound technologies that will promote sustainable development. They should likewise strengthen national efforts and international cooperation in this area, including re-evaluation and improvement of existing technologies suitable for recipient countries and thereby promote effective transfer of technology."

18. At the 21st meeting, on 11 March, the representative of Japan orally corrected Principle 19 of his proposal by inserting the words "the development of new and innovative technologies and" between the words "including" and "re-evaluation and improvement".

19. At the 20th meeting, on 6 March, the representative of Canada introduced a proposal (A/CONF.151/PC/WG.III/L.23) entitled "Earth Charter", which read as follows:

"We, the people of the Earth,

"Being the first generation of humankind to have seen our planet from outer space and to have perceived its beauty and fragility in its entirety,

"Realizing that the ecological health of the Earth is now in jeopardy, putting at risk the chances of development of all its people, while so many have not even reached a decent standard of living,

"Understanding that our common future is based on the fundamental inseparability of humankind from all of nature,

"Affirming that, in order to be sustainable, our development requires that we integrate both the environmental and the developmental concerns that prevail at local, regional and global levels,

"Aware that the protection of the environment and the achievement of development requires the enhancement of international peace and security, as well as full cooperation among ourselves, both individually and collectively,

"Hereby solemnly declare that:

"1. All States and people share the responsibility, which is common but differentiated, to conserve, protect and restore the health and integrity of the Earth's ecosystem, including its air, land, water and biological diversity.

"2. All States and people shall, for the benefit of future as well as present generations, have the opportunity to achieve full development and equity, while living within the capacities of the Earth's ecosystem.

"3. All States and people shall strive for the elimination of poverty as an indispensable component of sustainable development.

"4. All States and people shall treat the environment of other States and people, the global commons, as well as the Earth's ecosystem, in a manner at least as favourable as their own environment and consistent with international law and this Charter.

"5. All States and people shall recognize and encourage cultural diversity, particularly indigenous lifestyles with a sustainable relationship to the Earth.

"6. All States and people, when undertaking activities that may affect the Earth, shall adopt precautionary and preventive approaches, including assessment and management practices which take into account the intrinsic value of the environment.

"7. All States and people, when using the Earth's resources, shall adopt the most appropriate environmental technology in order to minimize waste and harm to the environment.

"8. All States and people shall strive to ensure that economic activities reflect their full environmental and social costs and benefits.

"9. All States and people shall cooperate to promote trade relations that are supportive of local, regional and global sustainable development.

"10. All States and people shall promote public education, scientific research and monitoring, and the availability of information concerning the Earth's ecosystem and development, and the relationship between them.

"11. All States and people shall ensure public participation in the decision-making processes concerning the environment and development.

"12. All States and people shall pursue and encourage the implementation of the principles of this Charter, in cooperation and in accordance with their respective responsibilities and capabilities."

20. At the 20th meeting, on 6 March, the representative of Australia introduced a proposal (A/CONF.151/PC/WG.III/L.24) entitled "Structure and outline of the Rio de Janeiro Declaration/Earth Charter and comments on A/CONF.151/PC/WG.III/L.8/Rev.1", which read as follows:

"The contributions of delegations, including those made in the discussions during the opening informal meeting of Working Group III during the current session of the Preparatory Committee, might usefully be grouped under the following headings:

"PREAMBLE

"Notion of harmony

"Importance of environment to peace and security

"Concern over state of environment and imperative of cooperation

"Integration of environment and development

"Declaratory commitment to the cooperative implementation of the declaration by States and other actors (possibly at end of charter)

"PRINCIPLES

"Intergenerational equity

"Consumption patterns, population and poverty

"Stockholm premise, sovereignty, differentiated responsibilities and assistance to developing countries

"Liability, compensation and emergency assistance

"Environment protection, including conservation of biological diversity, maintenance of ecological processes and sustainable resource use

"Precautionary principle, irreversibility and prior evaluation

"Science, research and monitoring and capacity-building

"Resource pricing, polluter pays and user pays, trade and environment

"Individual rights, including right to development, rights of special groups, public participation and education

"COMMENTARY BASED ON A/CONF.151/PC/WG.III/L.8/Rev.1

"1. Integration of environment and development

"Preferred location/association: Preamble.

"Preferred text:

"Recognizing the imperative of the integration of environmental and development concerns and decision-making processes at the local, national and international levels.

"Other possible elements:

"Affirmation that the needs of individuals and communities for economic development can be compatible with the need for a clean, healthy and productive environment.

"Comment:

"Our preference is for 'integration' being stated as a goal or basis for action rather than a principle. Principles should all deal with the methods of 'integration'.

"2. Common but differentiated responsibilities

"Preferred location/association: free-standing principle governing environmental protection and responsibility.

"Preferred text: to be based on a general provision on protection of the environment, including biological diversity (e.g., para. 5) and (to note that):

"Responsibilities for combating environmental degradation and pollution should be according to contribution to that damage.

"Other possible elements:

"Common international standards can be developed on the basis of assistance to address differences in capacity.

"The methods of meeting agreed standards may differ on the basis of the particular circumstance of each country.

"3. Individual and group rights

"Preferred location/association: linked with principle 12.

"Preferred text:

"All individuals have the right to participate equitably in economic, social, cultural and political development and to a healthy environment.

"The contribution of all groups to the maintenance of economic and social systems, to cultural diversity and to environmental management and decision-making is to be valued, promoted and protected.

"In particular, Governments will:

"(a) Ensure the incorporation of women's perspectives, contributions, needs, concerns and participation at all levels and in all sectors relating to the promotion of sustainable development, particularly at the levels of decision-making, planning and management;

"(b) Recognize the special relationship of indigenous peoples to the environment and their priorities for sustainable development of the lands and resources they traditionally occupy and use; safeguard the environment of indigenous peoples and ensure their consultation and participation at all levels of decision-making in environment and development matters affecting them; recognize, record, transmit and use those traditional practices of indigenous peoples which are ecologically sustainable.

"4. Intergenerational equity

"Preferred location/association: free-standing principle.

"Preferred text:

"Decisions should be based on the assumption that future generations must have a need for an environment which is no less healthy, diverse and productive than the environment of current generations.

"5. Sovereignty and responsibility

"Preferred location/association: free-standing principle, linked with principles 2, 7 and 8.

"Preferred text:

"States have the sovereign right to exploit their own natural resources in a sustainable manner while ensuring that activities carried out within their jurisdiction and control do not cause damage to the environment of other States and of the areas beyond national jurisdiction (China) (para. 42; and the Declaration on the Human Environment).

"6. Precautionary principle

"Preferred location/association: free-standing principle.

"Preferred text:

"Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. (See para. 54 and additional concepts.)

"Other possible elements:

"Public and private decisions should be guided by:

"(a) Careful evaluation, so as to avoid, wherever practicable, serious or irreversible damage to the environment;

"(b) Prior assessment of the risk-weighted consequences of various options.

"7. Cooperation

"Preferred location/association: could be taken together with principles 2 and 8.

"Preferred text: Only ideas expressed in paragraphs 60, 62 and 64 would appear to advance this issue beyond the texts under discussion in principles 2 and 5.

"8. Special needs of developing countries

"Preferred location/association: could be covered with principles 2 and 7.

"Preferred text: could recognize the special economic and other circumstances of developing countries and their need for capacity-building.

"Other issues:

"Note the particular vulnerability of some States to environmental change.

"9. Environment and world trade

"Preferred location/association: could be combined with principles 13 and 17.

"Preferred text:

"The full incorporation of environmental and social costs in the prices of traded goods and services, coupled with the removal of barriers to trade and of subsidies on production, would provide a significant and fundamental foundation for the achievement of sustainable development in all countries.

"Other possible elements:

"The need to strive for consistency between international trade and environmental obligations.

"Avoidance of trade distortion.

"10. Peace and security

"Preferred location/association: preambular statement or free-standing principle.

Preferred text: should note the interrelationship between environment, peace and security.

"Other possible elements: recognition of the Charter of the United Nations and the basic principles of international law for the peaceful resolution of disputes.

"11. Production and consumption patterns

"Preferred location/association: linked to principle 16.

"Preferred text: should recognize the fundamental link between population growth, poverty, consumption patterns and the sustainable use of resources.

"Other issues: (to be taken up in Agenda 21)

"Cultural values and lifestyles.

"Role of women in society.

"Need for planning, education and research.

"Particular circumstances of each country and community.

"12. Information and education

"Preferred location/association: combined with principle 3.

"Preferred text: should concentrate on the need for environmental education and information, including environmental risks.

"Other possible elements:

"Promotion of research and monitoring and technological and scientific capacity-building for all countries.

"Promote sharing of information about environmental hazards and risks.

"13. Cost internationalization

"Preferred location/association: linked to or combined with principle 9.

"Preferred text: paragraphs 102, 106 and 107, with emphasis on accounting for environmental costs.

"Other possible elements: Governments to determine the appropriate mix of regulatory and economic instruments to meet objectives, based on the particular political, social, economic and environmental circumstances.

"14. Liability for damage and dispute settlement

"Preferred location/association: free-standing principle (possible link to principle 5).

"Preferred text: based on paragraph 108.

"Other possible elements:

"A commitment to the further development of the international legal framework for liability, compensation and dispute settlement in cases of damage to the environment of another State or to the global commons.

"15. Public participation and democracy

"Preferred location/association: combined with principle 3.

"Preferred text: based on paragraphs 115 and 117, with 'rights' replaced by 'need'.

"16. Poverty

"Preferred location/association: combined with principles 1 and 11.

"17. Resource transfer

"Preferred location/association: combined with principles 9 and 13."

21. At the same meeting, the representative of the Holy See made a statement with regard to document A/CONF.151/PC/WG.III/L.16, which had been before the Working Group at its previous session.

22. Statements were also made by the representatives of Portugal (on behalf of the States Members of the United Nations that are members of the European Economic Community) and Brazil.

23. At the 21st meeting, on 11 March, the representative of Portugal, on behalf of the States Members of the United Nations that are members of the European Economic Community, introduced a proposal (A/CONF.151/PC/WG.III/L.25) entitled "Elements for the Earth Charter", which read as follows:

"1. Common but differentiated responsibility

"All States and peoples share a common but differentiated responsibility to protect the global environment and, to this end, shall cooperate on the basis of a global partnership reflecting equitable burden sharing between developed and developing countries.

"2. Promotion of sustainable development

"In order to ensure sustainable development in all countries, environmental considerations shall be integrated into the formulation of policies and into decision-making processes at local, national and international levels.

"3. Poverty, consumption patterns, population growth

"All States and peoples shall combat poverty, eliminate or avoid unsustainable patterns of production and consumption and formulate and promote population policies compatible with sustainable development.

"4. Environmental legislation and economic instruments

"States shall enact and implement effective environmental legislation and make full use of economic instruments. Measures of environmental protection shall be coordinated internationally, where possible.

"5. 'Polluter pays' principle

"The polluter shall bear the expenses of carrying out the necessary pollution prevention and control measures introduced by public authorities to protect the environment. States shall endeavour to ensure that markets in products, services and natural resources reflect environmental costs.

"6. Precautionary principle

"Environmental measures must anticipate, prevent and attack the causes of environmental degradation, and where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation.

"7. Environmental impact assessment

"For any proposed activity or any proposed substantial change in an activity that is likely to have a significant adverse impact on the environment and is subject to a decision of a competent authority, an environmental impact assessment shall be undertaken.

"As part of an environmental impact assessment, the public shall be provided with information in due time about any proposed activity, for examination and comment.

"8. Participation of the public

"Consistent with national laws that protect major public interests, the public shall have access to information held by national authorities that is relevant to the environment, including information on products and activities that have, or are likely to have, a significant adverse impact on the environment, and information on environmental protection measures.

"The views of the public shall be taken into account in government decision-making processes related to environment and development. Competent authorities shall facilitate and encourage public participation, inter alia, by making information widely available and by receiving public views.

"In particular, States, recognizing the special relationship of indigenous peoples to their environment, shall take special measures to safeguard the environment of indigenous peoples and to ensure that they are consulted at all levels of decision-making in matters pertaining to their environment, and shall acknowledge that those peoples can decide their own priorities for the process of development.

"9. Notification and consultation

"States shall provide prior and timely notification and relevant information to other concerned States on activities that may have a significant international or transboundary effect and shall consult with those other States at an early stage and in good faith.

"States shall immediately notify other States of any emergency situation that might produce sudden harmful effects on the environment of those other States.

"10. Remedies and compensation

"States shall provide effective remedies to prevent significant environmental harm and secure prompt and adequate compensation for damage.

"11. International environmental disputes

"States shall provide adequate mechanisms for prevention and settlement of international environmental disputes.

"12. Environmental security

"States shall commit themselves to ensuring environmental security by giving special attention to the environmental risks that threaten the survival of humankind or of the Earth as a whole.

"13. Cooperation

"All States and peoples shall cooperate in good faith and in a spirit of partnership in the implementation of the principles embodied in the present Charter."

24. At the 21st meeting, on 11 March, the representative of Argentina introduced a proposal (A/CONF.151/PC/WG.III/L.26) entitled "Principle on sustainable agricultural development", which read as follows:

"Principle on sustainable agricultural development

"All Governments shall promote agricultural development policies based on the economically rational, efficient and sustainable use of the factors of production and resources, and shall avoid production practices which, in addition to distorting internal and external markets, have environmentally detrimental effects."

25. At the 21st meeting, on 11 March, the representative of Norway, on behalf of Denmark, Iceland, Norway and Sweden, introduced a proposal (A/CONF.151/PC/WG.III/L.27) entitled "Earth Charter. Elements for Consideration", which read as follows:

"I. Preamble

"1. Overall developments in international relations in recent years which offer unprecedented opportunities for progress in international cooperation;

"2. New and increasing threats such as unacceptable poverty and not sustainable lifestyles of the affluent as well as environmental deterioration jeopardizing the long-term survival of the fragile global ecosystem;

"3. Political imperatives of the interdependence between nations;

"4. Reference to the Declaration of the United Nations Conference on the Human Environment, held in Stockholm in 1972, 3/ and other relevant declarations or resolutions;

"5. Reference to present global environmental problems:

"(a) Special situations of developing countries;

"(b) Sustainable development and consumption patterns;

"6. Reference to the need for developing international environmental law giving due attention, inter alia, to the prevention and settlement of disputes concerning the environment.

"II. Principles

"1. Environmental protection and economic and social development ultimately cannot be achieved at the expense of each other. Environment and development goals should be pursued simultaneously, in an integrated fashion.

"2. States and people share a common goal to promote environmentally sound, sustainable development for all. They should seek to attain this goal by individual and collective action, contributing in accordance with their respective responsibilities and capacities, and with special regard for the needs of economically disadvantaged countries and people.

"3. Sustainable development requires States, individuals and social groups to strive to eradicate poverty, to eliminate or avoid unsustainable patterns of production and consumption and to create humane working environments.

"4. Recognition that threats to the environment may constitute threats to the maintenance of international peace and security.

"5. States shall recognize and take special measures to safeguard the special relationship of indigenous peoples to the environment and acknowledge that they may decide their own priorities in the process of development.

3/ Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972 (United Nations publication, Sales No. E.73.II.A.14), chap. I.

"6. States shall act to ensure the incorporation of women's perspectives, aspirations, needs, concerns and participation at all levels and in all sectors relating to promotion of sustainable development.

"7. States have the sovereign right to exploit their own natural resources and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

"8. Everyone has the right to an environment adequate for his/her general health and well-being and has the responsibility to protect and conserve the environment for the benefit of present and future generations.

"9. Democracy and a well functioning market economy are of fundamental importance for a sustainable development. Markets should reflect full economic accounting of environmental costs and benefits, and market forces and mechanisms, and other economic instruments should be harnessed to achieve sustainable development goals.

"10. Everyone has the right:

"(a) To participate in the decision-making process for activities which do or could have a significant impact on the environment;

"(b) Of access to adequate information relevant to the environment, including information on products and activities that could or do significantly affect the environment and on environmental protection measures;

"(c) Of access to administrative and judicial proceedings concerning activities that could or do have a significant adverse impact on the environment equal to that of those resident in the State where the activity takes place.

"11. States should adopt precautionary and preventive approaches when planning and undertaking activities, to anticipate, prevent and attack the causes of environmental degradation. Lack of full scientific certainty should not be a reason in itself for postponing effective measures to prevent environmental degradation.

"12. States have the responsibility to ensure that actions which could have a significant impact on the environment shall be made subject to a prior assessment of the effects on the environment and to prior authorization made in the light of that assessment.

"13. States and enterprises shall ensure that all economic transactions and products bear the full costs of the environmental risks and impacts to which they give rise."

26. At the 21st meeting, on 11 March, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of his delegation and Denmark, introduced a proposal (A/CONF.151/PC/WG.III/L.28) submitted on the basis of the work of several non-governmental organizations from around the world, which read as follows:

"Preamble

"We honour Earth as the home of all living things;

"We cherish her intrinsic beauty and the interdependence and diversity of her life;

"We welcome her finite ability to renew herself as being the basis of all life on Earth;

"We recognize the special place of Earth's first peoples, their territories, their customs and their unique relationship to Earth;

"We accept a shared responsibility to protect and restore Earth and to allow certain rights to use her resources sustainably and equitably to meet our social, economic and spiritual needs without compromising the rights of future generations;

"In all our diversity we are one human family sharing a common and increasingly threatened home, which urgently requires action;

"We affirm the principles of the Declaration of the United Nations Conference on the Human Environment, held in Stockholm in 1972, 4/ to which we add the following principles, noting at all times the particular needs of women, indigenous peoples, the developing countries and all those who are disadvantaged."

"4/ Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972 (United Nations publication, Sales No. E.73.II.A.14), chap. I.

IV. OTHER LEGAL, INSTITUTIONAL AND RELATED MATTERS, AS WELL AS LEGAL AND INSTITUTIONAL ASPECTS OF CROSS-SECTORAL ISSUES, INCLUDING THOSE REFERRED TO WORKING GROUP III BY WORKING GROUP I, WORKING GROUP II AND THE PLENARY OF THE PREPARATORY COMMITTEE

27. The Working Group considered the question of other legal, institutional and related matters, as well as legal and institutionl aspects of cross-sectoral issues, including those referred to Working Group III by Working Group I, Working Group II and the plenary of the Preparatory Committee (agenda item 4) at its 22nd and 24th to [26th] meetings, on 16, 25 and 28 March and [2] April.

28. Mr. Razali Ismail (Malaysia) acted as Coordinator for informal consultations on item 4.

29. At the 22nd meeting, on 16 March, the representative of the secretariat of the United Nations Conference on Environment and Development introduced the reports of the Secretary-General of the Conference on institutional proposals (A/CONF.151/PC/102) and on the role of regional organizations and cooperation (sect. IV, chap. 7 of Agenda 21) (A/CONF.151/PC/100/Add.26). He also drew the attention of the Working Group to the reports of the Secretary-General of the Conference containing an overview of national reports (A/CONF.151/PC/98) and on the role of the regional commissions in relation to Agenda 21 (A/CONF.151/PC/121). The representative of the World Federalist Movement, a non-governmental organization accredited to the Preparatory Committee, made a statement.

30. The Working Group held informal consultations on document A/CONF.151/PC/100/Add.26 and subsequently submitted proposed amendments to that document, which were issued in A/CONF.151/PC/L.65.

31. At the 24th meeting, on 25 March, the representatives of the Natural Resources Defence Council and the Consortium for Action to Protect the Earth (CAPE '92), non-governmental organizations accredited to the Preparatory Committee, made a joint statement.

32. At the 25th meeting, on 28 March, the representative of the Center for Development of International Law, a non-governmental organization accredited to the Preparatory Committee, made a statement.

33. The Working Group also had before it a proposal submitted by Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama entitled "Creation of a 'Planet Earth Council'" (A/CONF.151/PC/WG.III/L.29 and Corr.1), which read as follows:

> "1. The Central American countries see clearly that the development of our peoples is inseparably bound up with caring for the environment.

"2. Our region has made significant progress on the path towards peace and now, together with all nations of the world, we are confronting a new challenge, that of establishing that same peace with nature. We have learned that respect for life and caring for the Earth are basic pillars in building this new model of society within a just and equitable economic order.

"3. The political will of the Central American Presidents on this score has been expressed in the decisions adopted at presidential summits, in the creation of mechanisms such as environment and development commissions at the national and regional levels, the creation of specific commissions responsible for such matters within the legislative bodies and the establishment of the Central American Interparliamentary Commission on Environment and Development.

"4. Central America recognizes and gives due weight to the crucial importance these negotiations have for the future of the planet, and acknowledges the need to establish suitable mechanisms for taking full advantage of the effort the international community has made in connection with the United Nations Conference on Environment and Development.

"5. The Central American Governments support the Costa Rican proposal contained in paragraph 163 of document A/CONF.151/PC/102, and accordingly propose the creation of a 'Planet Earth Council', composed of a group of persons distinguished by their high scientific qualifications and recognized international prestige. The Council will systematically review and help to follow-up on the agreements and resolutions adopted at the forthcoming Conference in Rio de Janeiro and will also help to support the implementation and execution of Agenda 21.

"6. In accordance with document A/CONF.151/PC/102, it would aim, inter alia, to review environmental and development activities and topics, and to monitor international obligations and agreements, indicating those areas requiring the most priority, revision or direction. As a non-governmental organization, it would also have the task of assessing and investigating threats and solutions to environmental and development problems of global importance.

"7. This proposal is the outcome of agreements reached by the Central American Presidents at their latest summit held in Tegucigalpa, Honduras, in December 1991, which were intended to promote the participation of Governments, institutions, United Nations agencies and other intergovernmental and non-governmental organizations and sectors in implementing and publicizing the Agenda 21 programmes and other relevant decisions connected with global environmental and development processes.

"8. Central America is submitting this non-governmental initiative to the Preparatory Committee so that Governments may welcome and support the creation of the proposed Council."

V. ACTION TAKEN BY THE WORKING GROUP

34. At the [26th] meeting, on [2 April], the Working Group decided to transmit the following documents to the plenary of the Preparatory Committee for further consideration and action:

(a) Draft proposal by the Chairman on elements for Section IV, Chapter 8, of Agenda 21: Legal instruments and mechanisms, contained in document A/CONF.151/PC/WG.III/L.32, and proposed amendments thereto (agenda item 2);

(b) Draft principles proposed by the Chairman on principles on general rights and obligations, contained in document A/CONF.151/PC/WG.III/L.33, and proposed amendments thereto (agenda item 3);

(c) Draft proposal by the Chairman on elements for Section IV, Chapter 6, of Agenda 21: International institutional arrangements, contained in document A/CONF.151/PC/WG.III/L.31, and proposed amendments thereto (agenda item 4).